

Air Pouch

PRIORITY

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## FOREIGN SERVICE DESPATCH

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FROM : Anembassy, Ankara

433

DESP. NO.

February 15, 1961

TO : THE DEPARTMENT OF STATE, WASHINGTON, D.C. D-VIII-B-1

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For Dept. Use Only	ACTION	DEPT.
	REC'D	OTHER
	E-7	PAR-7 PAR-7 PAR-5 PAR-4 S/B-1 S/B-3
	7/27	CIA-10 PAR-4 PAR-6 PAR-5

SUBJECT: Soviet Request for Overflight of Turkey

There are submitted as enclosures to this despatch a note dated February 3, 1961 addressed to the Minister of Foreign Affairs, and two attachments to said note--the first detailing suggested reasons for delaying negotiations and the second giving the text of Article 23 of the Montreaux Straits Convention.

The purpose of this despatch is to record in chronological order the series of events emanating from the Soviet request for technical landing rights at Ankara for a scheduled flight allegedly from Moscow to Beirut. This subject was first introduced early in December when Foreign Minister Sarper told Charge d'Affaires Cowles that the Soviets had requested certain air rights and that details could be gotten from the Foreign Office. It was discovered that Mr. Cetin Oran of the Third Department (United Nations and International Organization Affairs) was the appointed coordinator for the problem.

Mr. Oran described the situation as follows: The USSR had requested approval for a technical overflight of Turkey for a scheduled flight from Moscow to Beirut. The Foreign Office was studying the problem including the route to be designated. He saw no way to refuse on the basis of Article 23 of the Montreaux Convention. The Foreign Office was in no hurry to give a reply and the Soviets were not then pressing. The Soviet approach included a request for maintenance, repair and refueling in Ankara. The request envisaged the use of THY services. At the moment his thinking was against anything but overflight permission, since this was all that the Montreaux Convention required. He believed that the Soviets had obtained rights in Beirut. (This latter proved to be entirely wrong).

The Embassy was surprised to discover that neither Oran nor apparently anyone else within the GOT had any idea what the last stop within the USSR was, or why maintenance, repair and refueling facilities were requested for such a short flight. When queried Oran said that this information was not considered necessary at this preliminary stage. His interpretation of the GOT's obligation under Article 23 of the Montreaux Convention was that Turkey would in no circumstances grant rights through the Straits (as required in the convention) because of security reasons. Therefore, alternatively, the GOT was bound to give rights to a route crossing Inebolu, Ankara, Silifke, which is an authorized international route and the route that the USSR

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requested. While professing to be eager to receive information which would enable the GOT completely to deny the request, Oran seemed to be thinking entirely in terms of the legalities of the question.

At this stage, which obtained throughout most of January, Mr. Oran appeared to be acting under somewhat rigid instructions and to be playing "close to his vest". The above information was obtained from him by extracting it bit by bit. Other ministries contacted, at least at the working level, did not appear to be aware of the Soviet request. In fact as late as January 21, Mr. Turgut Aytug, Director General of the Department of Economic and Commercial Affairs of the Foreign Office was unaware of the Russian request. When informed by the Economic Counselor on January 21, he became quite excited and stated that if final decision had not actually been made he thought he could change its course.

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At almost the same time, conversations took place between JUSMMAT (General Morin,) and Chief Turkish Staff (General Sunay). [REDACTED] also had discussions with members of the CNU. In these talks and Embassy contacts, strong representations were made to the effect that Turkish (and American) security interests were involved. Suggestions were made for delay or extending the negotiations including a demand for reciprocal rights, the inapplicability of the Montreaux Convention, request for further details regarding schedules, destination, etc. It was discovered that--short-circuiting the Foreign Office--the Soviet Ambassador had seen the ministries of Defense, Interior, Commerce, Communications and Industry regarding his request. No ministry had raised serious objections. At this stage it was generally believed that a favorable Cabinet decision would soon be forthcoming.

The Foreign Office countered our arguments with the following points. First, the fact that agreement with the Czechs (Ankara G-46, July 27, 1960) already set a precedent and already compromised security, if in fact security was involved. Second, despite the possible inapplicability of the Montreaux Convention, the GOT was concerned that the Soviets may attempt to press for the reopening of the whole subject of the Convention if overflight rights were denied. Third, while the GOT might request reciprocal rights, the GOT would still be bound, even if refused such rights, to grant the Soviet request in view of the Montreaux Convention. (General Sunay was convinced that the Soviets would immediately grant reciprocal rights if they were asked). Fourth, details had not been finalized other than expected landing rights, fueling and maintenance at Ankara with overflight via Inebolu and Silifke and destination Beirut. Further details were not necessary in order to grant the Soviet request. It seemed apparent at this time that the GOT was not really desirous of seeking means of refusing or delaying the Soviet request.

It was in these circumstances that the Charge raised the question with the Foreign Minister, both on January 21 and January 23. The Foreign Minister seemed to realize the security risks involved and said that no final decision had yet been reached and would not be reached until he approves or is over-ruled. The matter had been referred to legal experts for study with the suggestion that they drag their feet. Sarper specifically added that no "quid pro quo" was involved and that the GOT was not justified under the Montreaux Convention in requesting reciprocal rights. The Foreign Minister admitted under questioning that GOT consideration was apparently based entirely on legalistic interpretations. The Foreign Minister was reminded that the whole question

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of overflights was being discussed in Paris by NATO with considerable concern.

In sum, at this stage the Embassy suspected that there might be some "quid pro quo" involved. Otherwise it was difficult to account for the GOT attitude of acquiescence. At the same time it was recognized that the Soviet request came at a time when the Soviets had been faced with a number of rebuffs regarding aid, trade, etc. and the GOT might be desirous of improving relations by acceding to Soviet demands.

The Charge again discussed the question of Soviet requests for overflights with the Foreign Minister (as well as with Secretary General Yolga) on January 30. He was informed that the Turkish position in forthcoming discussions at NATO would be that although final decision was not taken, it would be extremely difficult to refuse the Soviet request because of rights granted to the Czechs and Article 23 of the Montreaux Convention. The status of the Czech negotiations on this date was as follows: A bilateral agreement was signed in 1947 providing for traffic rights between Prague, Istanbul, Ankara and Beyond on a reciprocal basis. Sometime later (February 18, 1960) the Turks agreed to a Czech request to implement the agreement by overflight rights to Damascus and Baghdad with technical landing rights in Ankara. This reciprocity was only theoretical on the Turkish side. The Czechs were currently seeking traffic as well as overflight rights. The Turks were demurring at this request. The Charge took the opportunity to remind that the agreement in 1947 was with a friendly Czech government which had been superseded by a Communist regime. He again queried why there was no real "quid pro quo" in view of the adverse radio propaganda and security risks involved. The Turks still seemed to be impressed by the legalistic features.

The Charge's final approach to the Foreign Minister was made on February 3 when the enclosed note and talking paper were left with him. The note outlines our general practice of conforming with ICAO regulations which also govern GOT civil aviation laws and procedures and stresses the principle of reciprocity and unacceptability of one agreement (Czech) as precedent for another. The talking paper was designed to list the major points made by the Department with some amplification including the need to clarify terminus flights at the initial stage of negotiations because of the sensitive nature of the African area from the standpoint of world security.

The Foreign Minister's brief reply was to the effect that the GOT had already stopped all action regarding both the Czech and USSR requests. The situation was frozen for the time being. The Charge was also asked to brief the Minister of Communications (Orhan Mersinli) regarding U. S. views on both the technical and security aspects of the problem. Mr. Mersinli has been devoting full time to his budget presentation during the past several weeks and has not been available. It is expected that he will be available in a few days. The results of this meeting will be separately reported.

copies to:

Istanbul, Izmir, Iskenderun

Paris/USRO-2

Moscow

Beirut

Cairo

Concurrence: L. L. Cowles

Dept. may wish to pass to other posts.

Encl.:

1. Note

2. Talking Paper

3. Article 2

For the Charge d' Affaires, a. i.

L. Wade Latham

Counselor of Embassy  
for Economic AffairsCONFIDENTIAL

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Encl. No. 1

Despatch 433

From: Ankara

Ankara, February 3, 1961.

Excellency:

In reply to your inquiry of January 30, 1961 regarding issues which are usefully considered in the negotiation of air agreements, I have the pleasure to indicate below certain points the resolution of which, in the experience of the United States Government, result in effective and cordial implementation of air agreements.

Generally, it has been our practice to assume that all regulations and provisions of the International Civil Aeronautics Organization are agreeable to both parties and that such agreement in principle is precedent to negotiation. I assume that the Government of Turkey since it is a party to the ICAO and since ICAO standards and regulations indeed form the basic framework of Turkish Commercial Aviation procedures under Turkish Law # 4749, would require of any foreign power seeking an air agreement with Turkey that such foreign power agree that at a minimum, ICAO standards would be complied with.

There is of course explicit in any air agreement the principle of reciprocity. Thus, even though one party does not desire or have the need at the time of the negotiation for air routes into the other country, such right is included as a matter of course so that it may be exercised at any future time without further negotiation. The degree of reciprocity is absolute. Where one country seeks the right to traverse the other from border to border, an equal right must be granted.

We do not consider that the existence of an air agreement with one country as establishing a precedent or argument or basis for granting air rights to another country. This is particularly apparent when comparison is made as between an agreement existing between two states both parties to ICAO and an agreement between states one of which is a party to ICAO and the other not.

Accept, Excellency, the renewed assurances of my highest consideration.

Leon L. Cowles  
Charge d'Affaires a.i.

His Excellency

Selim Sarper

Minister of Foreign Affairs

Ankara, Turkey.

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1. Before seriously considering granting transit rights, it is normal procedure to require that there have been concluded landing rights in the country to which the carrier is proceeding. Thus, Turkey would first have to be provided with the proposed Soviet schedule including point of departure from the USSR and point of terminus. If the Soviets propose to transit Turkey en route to Lebanon, then the Soviets should have Lebanese agreement to land there before the Turkish Government negotiates transit rights. Whether Lebanon is the terminus or a point en route to another terminus, the Government of Turkey should seek the views of the Lebanese as to the likelihood of that country granting such rights to the Soviets. This is particularly important since the true terminus may be Cairo or beyond.
2. In addition to the views of Turkey's NATO partners, it would be useful to have the views of Turkey's CENTO partners on the possible consequences of such an air agreement.
3. Turkey would of course require the right of inspection of cargo, passengers and crew and aircraft, including certification of the latter, in the event of regular or emergency landings. (Under ICAO and Turkish sovereign rights).
4. Turkey should stipulate the right to suspend landing rights whenever GOF deems such suspension is in its own best interest.
5. If the Soviets invoke the Montreaux Convention, it is the opinion of our legal experts that the Soviets will thereby clearly obligate themselves (under para two of Article 23, Section III of the Convention, copy attached) to adherence to ICAO regulations. We consider the two paragraphs as inseparable.
6. What is frequency of flights? In mutual interest flight frequencies must obviously be agreed upon as standard practice.
7. Notification of deviation in schedule or times to be given 48 hours in advance. (This is what the United States requires in order to permit adequate notification to all concerned facilities). ICAO only requires 30 minute notice but this is not sufficient for busy terminals, safety, and navigational facilities handling modern aircraft.
8. What if any service personnel, equipment, etc., do the Soviets intend to introduce into Turkey, bearing in mind that THY has virtually no facilities for handling Soviet aircraft.
9. Aircraft and aircraft equipment must meet Turkish inspection standards based on ICAO. This would apply to any foreign airline.

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MONTREUX STRAITS CONVENTION

Section III - Aircraft:

Art 23. In order to assure the passage of civil aircraft between the Mediterranean and the Black Sea, the Turkish Government will indicate the air routes available for this purpose, outside the forbidden zones which may be established in the Straits. Civil aircraft may use these routes provided that they give the Turkish Government, as regards occasional flights, a notification of three days, and as regards flights on regular services, a general notification of the dates of passage.

The Turkish Government moreover undertake, notwithstanding any remilitarisation of the Straits, to furnish the necessary facilities for the safe passage of civil aircraft authorized under the air regulations in force in Turkey to fly across Turkish territory between Europe and Asia. The route which is to be followed in the Straits zone by aircraft which have obtained an authorization shall be indicated from time to time.

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